

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAM COOPER,

Plaintiff,

-against-

ADOPTION ORDER
18-CV-6656 (JS) (ARL)

JEREMY FANNING and RICHARD JONES,

Defendants.

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APPEARANCES

For Plaintiff: Sam Cooper, pro se
18-R-1900
Hale Creek A.S.A.T.C.A.
P.O. Box 950
Johnstown, New York 12095-0950

For Defendants: Stacy Ann Skorupa, Esq.
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

SEYBERT, District Judge:

On August 12, 2020, Magistrate Judge Arlene R. Lindsay issued a Report and Recommendation (R&R, D.E. 52) recommending that the Court deny Defendants' motion to dismiss this action for lack of prosecution and for failure to comply with court orders (Mot., D.E. 50). Judge Lindsay recommended that Defendants "re-serve [Plaintiff] with all of the outstanding discovery requests at Hale Creek immediately upon receipt of the" R&R and allow Plaintiff 30 days from his receipt of the discovery requests to "respond, in writing, to all outstanding requests." (R&R at 2-3.) Judge Lindsay also recommended that the Court advise Plaintiff

that his "failure to do so will result in a dismissal of his complaint with prejudice." (R&R at 2-3.) On August 14, 2020, Plaintiff served the R&R as well as "all of the outstanding discovery requests" to Plaintiff at the Hale Creek address. (Aff. Cover Ltr., D.E. 53; Aff. Serv., D.E. 53-1.)

The time to object has expired and no objections to the R&R have been filed. Upon careful review and consideration, the Court finds Judge Lindsay's R&R to be comprehensive, well-reasoned, and free of clear error. Accordingly, the Court ADOPTS the R&R (D.E. 52) in its entirety and Defendants' motion (D.E. 50) is DENIED.

Plaintiff shall respond, in writing, to all outstanding requests within 30 days after his receipt of the discovery requests. Plaintiff is warned that his failure to timely respond to the discovery requests will result in the dismissal of this action for failure to prosecute pursuant and for failure to comply with Court orders pursuant to Federal Rule of Civil Procedure 41(b). **Defendants are directed to serve Plaintiff with a copy of this Order and file proof of service to ECF on or before September 11, 2020.**

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 3, 2020
Central Islip, New York